

REMARKS

Claims 1 – 31 remain in the application and stand finally rejected. Claims 1 – 8, 10 – 17, and 19 – 31 are amended by this proposed amendment. No new matter is added. Although this Amendment is being timely filed, the Commissioner is hereby authorized to charge any fees that may be required for this paper or credit any overpayment to Deposit Account No. 19-2179.

Claims 1 – 3, 6, 9 – 11, 14, 17 – 21, 24, 27, 28 and 31 are finally rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,199,193 to Oyagi et al. Claims 4, 5, 7, 8, 12, 13, 15, 16, 22, 23, 25, 26, 29 and 30 are finally rejected under 35 U.S.C. §103(a) over Oyagi et al. in view of “Codestriker” to Sitskys. All claims have been amended to recite that the review facility is operating on documents and blocks of text within the documents, e.g., as recited in finally rejected claims 5, 8, 13, 16, 23 and 30, which the final Office action acknowledges is not shown in Oyagi et al. Accordingly, the proposed amendment to the claims “removes issues for appeal” and so, entry of the proposed amendment is in order. MPEP §714.13. Also, an affidavit under 37 C.F.R. §1.131 is filed herewith, showing conception and reduction to practice prior to the publication date of Codestriker.

In responding to the previous rejection the applicant noted that, at least as far as the applicant can tell, Codestriker was published December 1, 2001, about 40 days prior to the filing date of the present application. In that prior response the applicant also noted that, 37 C.F.R. §1.97(h) provides in pertinent part: “the filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b).” The applicant further noted that the Codestriker reference was provided in an information disclosure statement and asserted that Codestriker is not available as a reference under 35 U.S.C. §103(a) through §102. As the applicant believes the present invention to be patentable over Oyagi et al., no further evidence was provided with that prior response. However, rather than belabor the point, a Declaration under 37 C.F.R. §1.131 is filed herewith showing conception and reduction to practice prior to the publication date of

Codestriker. Therefore, as the prior response pointed out, Codestriker is not available as a reference under 35 U.S.C. §102.

Furthermore, as noted hereinabove, all claims have been amended to recite that the review facility is operating on documents and/or blocks of text within the documents files. As the final Office action acknowledges, Oyagi et al. does not disclose individual blocks of text. Neither does Oyagi et al. suggest review facility is operating on documents and blocks of text within the documents files. Therefore, all claims as amended are patentable over Oyagi et al. Reconsideration and withdrawal of the final rejection of claims 1 – 31 under 35 U.S.C. §§102(e) and 103(a) over Oyagi et al. alone and in view of Codestriker is respectfully solicited.

The applicant thanks the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance, both for the proposed amendment to the claims and for the reasons set forth above, the applicant respectfully requests that the Examiner, reconsider and withdraw the final rejection of claims 1 – 31 under 35 U.S.C. §§102(e) and 103(a) and allow the application to issue.

Should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the telephone number listed below for a telephonic or personal interview to discuss any other changes.

Respectfully submitted,

September 13, 2005
(Date)

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